

ACT NO. 5 YEAR 1967

R E

BASIC PROVISIONS ON FORESTRY

WITH THE BLESSING OF ALMIGHTY GOD,

THE PRESIDENT OF THE REPUBLIC OF ~~INDONESIA~~

- Considering :
- a. That forest is the gift of Almighty God as the source of natural wealth which gives multipurpose benefit which shall be absolutely needed by human beings from years to years;
 - b. that forest in Indonesia as the source of natural wealth and one of the basic elements for national defence should be protected and utilized for the welfare of the people eternally;
 - c. that regulations in the field of forest and Forestry effective up to now, to a great extent originated from the colonial government, of colonial character and of various kinds, so that they are no longer in line with the demand of the Revolution;
 - d. that to secure the interest of the People and the State and to finalize the National Revolution, the existence of Act is needed which contains basic provisions on Forestry of National character and constitutes the basis for composing Legislative Regulations in the fields of forest and Forestry.

- With a view to:
1. The 1945 Constitution, article 5 paragraph (1), article 20 and article 33;
 2. Edict of M.P.R.S. No. II/MPRS/1960;
 3. Edict of M.P.R.S. No. VI/MPRS/1965;
 4. Edict of M.P.R.S. No. XXIII/MPRS/1966;
 5. Edict of M.P.R.S. No. XXXIII/MPRS/1967;

With the consent of Gotong Royong People's Representatives Council.

H A S D E C I D E D :

To lay down : ACT RE BASIC PROVISIONS ON FORESTRY.

CHAPTER I

GENERAL PROVISIONS

Article 1.

In this Act and in its Executive Provisions meant by :

- (1). "Forest" is a field grown with trees and which in its entity constitutes natural life communion with its surrounding nature and which is stipulated by the Government as forest.

(2). "Forest , , , ,

The administration by the Community of Traditional Law on a certain land based on the Traditional Law, ordinarily called the region right, is acknowledged in the Basic Act on Agrarian Matters, which in fact the said region right is still in existence. In regions where in fact the said region right has no longer in existence (or never existed) shall not be revived.

According to its process, the said region right, owing to the influences of several factors, shows tendency to be weaker and weaker. Besides the aforementioned restriction the implementation of the said region right should be in such a way that it shall be in line with the national interest and may not contradict the higher Legislative Regulations.

With regard to the said matter, the forest administered by the Community of Traditional Law which are included into the conception of "State Forest" does not eliminate the rights of the Community of Traditional Law concerned and its members to obtain benefit from the said forests, insofar the said rights is still in existence and the implementation thereof should be in such a way that it shall not disturb the achieving of the objectives as inserted in this Act and the executive regulations. This matter has also been confirmed in article 17.

In conjunction with the provision stated in article 5 the Government is obliged to execute the digging of natural wealth in the forms of forests as can be seen in articles 8, 9, 13 and 14. To give stress on this intention, in this Act, besides Chapter on "Arranging Forest" in the wide sense of the word, there is also separate Chapter on the "Management of Forest".

Nevertheless it shall also observe the obligation to promote the source for the earning of the people who live in and around the forest, in accordance with the content of article 6 sub e. And as the balance, the people should also be aware of their obligation to take part in protecting forest from being destroyed, since forest is the national wealth, as referred to in article 15, paragraph (3).

Furthermore to guarantee that the support and control from and by the People shall remain to exist, in outlining the policy on forest management by the Government, the people and mass organizations shall be mobilized for their participation through the Institutions set up for the said purposes.

The role of the Regional Government in utilizing forest can be seen in article 14 paragraphs (1) and (3), and mainly in article 12, where it is stated that the Central Government may delegate some of her authority in the field of forestry to the regional Administration. But on matters concerning the overall planning see articles 6 and 8 paragraph (1), and in the case concerning the interest of national level, the authority remains to be held directly by the Central Government.

To execute the management of forest and all kinds of the harvesting of forest products with the maximal products, in order that the realization can be started, the participation of private capital and joint enterprise with other parties/friend nations of mutual benefit remains to be made possible as stated in article 14.

all activities

All activities to dig up Indonesia's natural wealth in this form of forest, it is intended but to take part in developing national economy within the shortest possible time, so that the ideals to build the Pantjasila based just and prosperous community can be immediately realized. Thus if deemed necessary the Government shall give the facilities needed.

Finally in composing this Act attention has also been given to give some principal definitions in order to avoid confusion in the interpretation, since up to the present time, a lot of terms not yet having unity of connotation are still used.

And the classification on forest based on the possessing, function and purposes of the forest which has been successively contained in articles 2, 3, and 4 is the classification viewed from the social-economic aspect and its use. Other classification based on sciences is not mentioned herein.

EXPLANATION ARTICLE BY ARTICLE :

- Article 1 : 1. Forest in this Act shall be interpreted as a sufficiently large field grown with trees bamboos and/or palms who together with the land and all its both in the forms of flora as well as fauna, in its entity constitutes life communion which is capable to give production and protection benefits and/or other benefits everlastingly.
- The minimum width of the trees grown land is one fourth hectare, because such wide forest can have reached a life communion balance needed, so that it shall be able to give benefits in production protection irrigation system, influences on climate and others.
- The Minister shall give decision in case of doubt, whether the said field is the forest referred to in this Act.
2. Meant by forest products are the products obtained from forest, in the forms of :
- flora products, such as wood for utensils, industry wood, fire-wood bamboo, rattan grasses, and other parts of flora or which are produced by the plants in the forest, including the products in the forms of oil.
 - fauna products, such as hunting animals, rare animals and other animals or the parts thereof or those produced.
3. Forestry is a series of activities performed on the basis of sciences and experience, having forest as its target to guarantee and upgrade the benefit in the everlasting way. The series of these activities is a.o. in the forms of affirmation of forest, forest arranging, collecting forest products, forest planting, forest maintenance, safeguarding forest marketing of forest products, processing forest products, research, training and so on.

Article 2

Article 2 : Based on the possessing of forest, forest is divided into two kinds :

1. State Forest is all forests which grow on land which is not properly land.
Forest grows or planted on land given to the Autonomous Region with the right to use or the right to manage has the status as State Forest. Thus, there is no "marga" forest, region forest, "Swapradja" forest and so on.
2. Property Forest is forest grows or planted on the property land, ordinarily called People's Forest and can be owned by person, both individually as well as together with other persons or Corporate Body. Forest planted on one's own efforts on land imposed by other rights also constitutes property forest of the person/Corporate Body concerned.

Article 3 : Viewed from the aspect of the social-economic importance in general, the character of its surrounding nature and other character specifically owned, on the basis of the function, forest can be divided into four kinds :

1. Protected forest the forest which has natural condition in such a way that its good influence on land, its surrounding nature and irrigation system ought to be maintained and protected. If Protected Forest is disturbed, this forest shall lose its function as the protector, it even shall create natural disaster, such as flood, erosion, and others.
Among the Protected Forest, there is forest which due to its natural condition within certain limits so some extent, the products can still be harvested, without curtailing the function as Protected Forest.
2. Production Forest is the forest which both its natural condition as well as its capability are in such a way that it can give benefit in producing wood, and other forest products, so that it can take place eternally.
3. Natural Forest Preserve is Forest Area having such natural surrounding that it is very important for the sake of sciences and culture. For that reason, such Forest Area ought to be specifically treated. This Natural Forest Preserve is divided into Natural Preserve and Wildlife Preserve, the meaning of which has been sufficiently explained in the article concerned.

4. Tourism

4. Tourism Forest is the forest which due to such a beauty, that it has the capacity to be specifically promoted for the purposes of tourism and/or hunting tourism. This Tourism Forest is divided into Tourism Ground and Hunting Ground, the meaning of which has been sufficiently explained in the article concerned.

Owing to its condition, forest can have more than one functions.

Article 4 Forest Area is the region which has been grown with forest or not yet grown with forest, which has been determined to be converted into forest. The entire forest areas are the regions which in the Land-use/planning have been/shall be determined as to its use in the field of Forestry, on the basis of the demand and the interest of the Indonesian community. The amount of the width of forest area should be in such a way that they have sufficient width and equal spreading, both for the purposes of production, protection, as well as for other purposes.

According to its purposes, forest can be classified into three great classifications, viz :

1. Permanent Forest, is the forest, both which has been in existence, as well as that shall be planted or naturally grows in the Forest area.
2. Reserve Forest is the forest found outside the Forest Area, of which the purposes has not been stipulated yet and not imposed with proprietary right. If needed, this Reserve Forest can be made into Permanent Forest.
3. Other Forest is the forest found outside the Forest Area and outside the Reserve Forest, for example forest found on property land or land imposed with other rights.

Article 5 : Has been explained in the General Explanation.

Article 6 : To guarantee the maximal and multi-purpose utilizing, in the frame of Land-use/Planning the Government shall make a general plan on the purposes, allotting, supplying and using of all forest found in the territory of the Republic of Indonesia, covering the fields as stated in sub a up to sub f of this article. As the other benefits and use of forest as referred to in sub f, it can be mentioned, a.o. : for the defence, hygiene, climate improvement purposes, etc.

The Regions which are in critical condition can be included into Forest Area to be converted into forest in the multi-purpose ways, so that they shall be able to provide fields for earning for the people living near-by and to produce material which may create home industries.

Article 7

Article 7. : In order to achieve efforts to utilize forest as inserted in article 6, sub. a up to sub. d, this article confirmed that the Government ought to stipulate to have Forest Area, the width of which shall be sufficient having correct situation and spreading, so that it can equally meet the demand of the Indonesian community on the forest products and other benefits.

Based on the social-economic demand of the Indonesian community and considerations on the physical, climate and irrigation system conditions, the minimum width of land which should be maintained as Forest Area is estimated to be approximately 30% out of the width of the land.

In conjunction with this purpose, the Government shall make a general planning on affirming forest which covers the specifications and urgency of the affirming of areas designated for Forest Area. This General planning on the forest affirmation shall be further regulated by the Minister, by observing the land-use planning stipulated by the Government and the interest of the inhabitants who possibly have to leave their dwelling places, as the result of the said forest area affirmation. One of the considerations in determining the Forest Area is the balance of local nature, among the rain fall, condition of the ground and the flowing water. For those reasons, it is better that forest affirmation planning be regulated in accordance with the course of the river and as far as possible also to observe the administrative region border.

Article 8. In the frame of building the Pantjasila based just and proper Indonesian Community, the digging of natural wealth in the form of forest should as far as possible be executed through planning and that it is necessary to explore and make inventory of all forests to determine the projects in the field of forestry, in the National and overall manner.

A working planning should be made for every project or undertaking unit, for a certain period, as to guarantee the continuity and orderliness in managing the said forest group.

To compose a working planning, it is necessary to make forest administration, covering the work: determining the forest border concerned, dividing forest into divisions of fields, measuring and making map and studying the condition of the forest and its surroundings and the social-economic condition of the people living within the around the forest concerned.

In case for a group of forest, a working planning has not been stipulated yet, the management thereof shall be made on the basis of a working scheme.

Article 9 : This article stipulates the objective of the management of forest in the wide sense of the word, namely to achieve the benefit of forest as best as possible in the multipurpose and continuous manner, both directly as well as indirectly.

The management of the forest shall cover various activities as inserted in paragraph (2) sub a up to sub e of this article, including converting the waste land into forest.

Meant with measuring forest as referred to in paragraph (2) sub g is administering the border measuring and making map and official record of an area which is stipulated as Forest Area.

To solve the problems found in managing forest, solution shall be made technically and scientifically in the field of forest.

To meet the demand on trained man-power who can well perform the duties in the field of Forestry, it is necessary to organize training, both in the sense of working knowledge and skill in the field of Forestry, as well as in the field of mental build-up, from the elementary level up to the advance level.

Besides that, it is necessary to give guidance, so that the people shall be aware of the function of forest for the entire community, so that it shall create sense of love to Indonesian natural beauty particularly forests, and responsibility to protect forest as the national wealth, which in fact is the responsibility of each citizen.

The aforementioned training and guidance shall be executed together with the Departments concerned.

Article 10 : To guarantee the realization of efficiency in forest management, forest region shall be divided into Forest Administration Units and Forest Managing Units as one management unit.

The width of the unit shall be determined on the basis of technical social-economic considerations of the region concerned and as far as possible it also observes the administrative region border. Matters related with the setting of the said Units shall be stipulated through the regulation of the Minister.

Article 11 : With regard to the social function of forest, it is proper that the management of Property Forest be executed by the owner, under the guidance of the Minister. Further see General Explanation.

In accordance with the social function of forest, it is certain that the management of forest of the Property Forest may not contradict the public interest, so that mismanagement of Property Forest can be charged with law, both in the field of Administration Law and Civil Law as well as Criminal Law, after earning has been sufficiently given.

Article 12 : In the frame of the Government's efforts to give autonomy as wide as possible to the regions, by considering the capability and capacity of the region through Government Regulation, the Government may delegate to the Regional Administration some part of the authority of the Central Government in the field of Forestry.

But owing that the forest management (administration) be carried out as best and efficient as possible, it therefore should be executed in the as wide as possible region, the Government regards that forest management can only be counted for, if the management of Forestry be handed over to the First Grade Region.

For those reasons, in the Regions of Sulawesi, Maluku, Bali, West Nusatenggara, East Nusatenggara where the Forest management is juridically still in the hands of Second Grade Region and the "Swapradja" ought to be drawn to the First Grade Region, as has been effective in Java, Sumatra and Kalimantan.

Only for cases which concern the National interest and in case of the overall planning, the authority remains directly held by the Central Government.

In executing matters on forestry affairs, the Regional Administration shall observe the directives given by the Minister.

Article 13 Forest management shall be carried out in such a way that from a group of forest, maximal and continuous forest products can be obtained, by means of re-planting, opening regions, and other efforts. To achieve production target which has been fixed, exploitation, planting, maintenance of forest and other efforts shall be executed on the basis of the working planning as referred to in article 8 paragraph (2).

To more accelerate the course of enterprise and to achieve just and prosperous community, forest management should be executed according to the principles of management, by emphasizing the people's demand and working sphere of the enterprise.

Article 14 : To enable to supervise and coordinate the digging of natural wealth as maximally as possible on the basis of the everlasting forest as national capital, forest management should in fact be executed by the Government itself, both the Central as well as Regional Government. Nevertheless, State Enterprise, Regional Enterprise as well as Private Enterprise can be given with the right to manage forest, in sense that the holders of the said right are obliged to maintain the function of forest and to protect it as referred to in article 15, and to observe the requirements/provisions stated in the decision/act concerning the granting of the undertaking right concerned.

In addition

In addition to that, in granting right for land undertaking purposes, for example for estates and right to open land in the Reserve Forest for dry field farming and migration purposes by the authority, consideration should be first obtained from Regional Forestry Service / Landuse Council.

Article 15: Forestry Protection is not only directed to Permanent Forest, but is also covers Reserve Forest and other Forests.

Necessary steps ought to be taken against forest damages caused by dry-field farming and wild tending and fire which created waste land and field of tall grass/ grass chiefly outside Java as well as against forest damages taking place in Java which has much caused natural disaster.

Paragraph (3) of this Article confirms that the duty to protect forest is not just the duty of the government only, but it is the duty of the entire people, due that the function of forest controls the life of the majority of the people.

Article 16: Wild animals which are not protected can be hunted. Animals hunting should be arranged in such a way that these animals shall overlastingly give maximal benefit for the prosperity of the people. Bill on this matter shall be submitted by the Government.

Article 17: Besides the legislative law, Traditional Law is still effective in some parts of Indonesia, a.o. on opening forest, cattles tending, hunting wild animals and collecting the forest products. In implementing local Traditional Law, as long as it is still in existence, it must be maintained that forest damage should not take place, so that the more important benefit of the forest in the field of production and the function to give protection shall be diminishing.

While region right, insofar it is still in existence remains to be acknowledged, but the implementation should be in accordance with the national interest and may not contradict the higher Act and other Legislative Regulation.

Thus it cannot be justified, if the region right of a local Traditional Law community be used to hinder the realization of the general planning of the Government, e.g. to reject the opening of forest in a large scale for big projects or for the migration purposes and so on.

It can neither be justified if the region right be used as a pretense for the local Tradition Law community to open forest cruelly.

See further explanation in General Explanation.

Article 18.....

Article 18 : Besides their duty to manage forest, certain Forestry officers have the duty to protect forest, as referred to in article 15. For that reason, these officers, besides their duty which bear technical characters, are also given special police authority, the implementation of which shall be jointly regulated by the Minister and Minister/C-in-C of the Police Force.

In certain regions, special police duty can only be given to Forestry officers.

To speed up the process of settling the criminal case in the field of Forestry these special police assigned officers can be appointed as Deputy Magistrate.

Article 19 : Self Explanatory.

Article 20 : Forests which have been stipulated as Permanent Forest, Wild-life Preserve, and Natural Preserve by the competent Authorities, both based on Government Ordinance and Regulation of the "Swapradja" effective before the issuance of this Act, are regarded as having been stipulated as Forest Area, with the purposes and function according to the stipulation thereof.

Besides that, it worth remembering that most part of natural forest outside Java has not been stipulated as Forest Area.

Nevertheless, in accordance with the function of forest as the source of natural wealth which is very important for national economic development these forests should be protected, managed and utilized by the Government.

Article 21 : Self explanatory.

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OF THE REPUBLIC OF INDONESIA NO. 2823

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- (2). "Forest Products" are natural things produced from forest.
- (3). "Forestry" is the activities related with forest and the management thereof.
- (4). "Forest Area" is the certain areas which by the Minister are maintained as Permanent Forest.
- (5). "The Minister" is the Minister entrusted with Forestry affairs.

Article 2.

Based on the owner the Minister shall declare forest as :

- (1). "State Forest" is the forest area and forest growing on land which is not imposed with proprietary right.
- (2). "Property Forest" is the forest growing on land which is imposed with proprietary right.

Article 3.

Based on its function, the Minister shall stipulate State Forest as :

- (1). "Protected Forest" is the forest area which due to its natural character is designated to arrange irrigation, to prevent flood and erosion and to maintain land fertile.
- (2). "Production Forest" is forest area designated for producing forest products to meet the demand of the community in general and for development, industry and export in particular.
- (3). "Natural Forest Preserve" is the forest area which owing to its nature is socially designated for natural life protection and/or for other benefits, viz. :
 - a. Natural Forest Preserve, which with regard its specific natural, including animal life and plants life, ought to be protected for the sake of sciences and civilization, to be called "Natural Preserve".
 - b. Natural Forest Preserve which is stipulated as the place for the wild-life, having specific value for sciences and civilization and constituting national wealth and pride, to be called "Wild-life Preserve".
- (4). "Tourist Forest" is the forest area specially designated to be promoted and maintained for tourism and/or tourist-hunting purposes, viz. :
 - a. Tourist Forest possessing natural beauty, both flora beauty, fauna beauty, as well as the natural beauty itself, have the specific nature to be utilized for recreation and cultural purposes, to be called "Tourist Ground".
 - b. Tourist Forest within which hunting animals are found which enables to have regular hunting for recreation purposes, to be called "Hunting Ground".

Article 4.

Article 4.

- (1). In accordance with the purposes, the Minister shall determine Forest Area. viz. :
 - a. area having forest which ought to be maintained as permanent forest;
 - b. non-forest area for which re-forestry ought to be made and maintained as permanent forest.
- (2). Forest found within the Forest Area is "Permanent Forest".
- (3). Forest found outside the forest area, for which the purposes have not been stipulated yet is "Forest Reserve".
- (4). Forest found outside the forest area and which is not the forest reserve is "the Other Forest".

Article 5.

- (1). All forest within the territory of the Republic of Indonesia, including the wealth contained are administered by the State.
- (2). The State's Right to administer as referred to in paragraph (1) delegates authority to :
 - a. Stipulate and regulate the planning, purposes allotting and using of forest, in line with its function to give benefit to the People and the State.
 - b. Regulate the management of forest in its wide sense.
 - c. Stipulate and regulate the juridical relations between person and corporate body with forest and regulate the juridical deeds on forest.

CHAPTER II.

FOREST PLANNING.

Article 6.

The Government shall make a general planning on the purposes, allotting, supplying and using of forest in the multi-purposes and everlasting ways throughout the territory of the Republic of Indonesia for the interests of :

- a. Regulating irrigation system, preventing flood and erosion and maintaining land fertile.
- b. Production of forest productions and the marketing, to fulfill the demand of the public in general and particularly for the purposes of development, industry and export.
- c. The various kinds of sources for the people's earnings, within and around the forest.
- d. Protection to natural life and special life for the interest of sciences, civilization and natural defence, recreation and tourism.
- e. Migration, agriculture, estates and cattle breeding.
- f. Other matters which are beneficial for the People.

Article 7 ...

Article 7.

- (1). To guarantee the obtaining of the maximal benefit of the forest in the everlasting sense as referred to in article 6 sub a up to d, certain regions shall be determined as forest areas, with sufficient width and correct situation.
- (2). The deciding of forest area as referred to in paragraph (1) shall be made by the Minister, by observing land-use planning as stipulated by the Government.
- (3). The said decision referred to in paragraph (2) is based on general planning on forest containing the goals, specifications and urgency of the affirmation of the forest area to be further used as the basis for consideration in determining: Protected Forest, Production Forest, Natural Forest Preserve and/or Tourist Forest.

Article 8.

- (1). In order to know the natural wealth capital in the form of forest throughout the territory of the Republic of Indonesia, forest inventory shall be made for the interest of planning the Forestry development projects, in the national and overall manner.
- (2). For the everlasting and orderly management of certain forests, it is necessary to compose a working planning or working scheme for certain period of time which should be preceded by a forest survey.

CHAPTER III.

ON MANAGING FOREST.

Article 9.

- (1). Forest management is intended to achieve maximal benefit, in the multipurposes and everlasting ways, directly or indirectly in the efforts to develop Pantjasila based just and prosperous Indonesian community, on the basis of general planning and working planning as referred to in articles 6 and 8.
- (2). The activities to manage forest as referred to in paragraph (1) shall cover:
 - a. To regulate and implement the protection affirmation, survey, promotion and management of forest and re-forestry.
 - b. To manage Natural Forest Preserve and Tourism Forest and to promote wild-animals and hunting.
 - c. To carry out forest inventory.
 - d. To make research on forest and forest products and the use and benefit, to make research on the social-economic aspects of the people who live within or around the forest.
 - e. To arrange and organize guidance and training in the field of forestry.

Article 10.

Article 10.

- (1). To guarantee the realization of the management of State Forest as best as possible, Forest Administration Units and Forest Management Units shall be set up, the implementation of which shall be further regulated by the Minister.

Article 11.

- (1). The management of Property Forest shall be executed by the owner, under the guidance of the Minister, by considering the provisions stated in this Chapter, Chapter IV and Chapter V.
- (2). Management of Property Forest executed in manner contradicting the provision stated in paragraph (1) and the public interest is subject to be summoned before the court.

Article 12.

The Central Government may delegate some part of her authority in the field of Forestry to the Regional Administration through Government Regulation.

CHAPTER IV.

ON FOREST MANAGEMENT.

Article 13.

- (1). Forest management is intended to obtain and increase the production of forest products for the development of national economy and for the welfare of the people.
- (2). Forest management shall be performed on the basis of forest everlasting principles and the principles of management, in accordance with the working planning or working scheme as referred to in article 8 and shall cover: planting, maintaining, harvesting, processing and marketing the forest products.

Article 14.

- (1). On the principle the Management of State Forest shall be carried out by the State and performed by the Government, the Central as well as the Regional Administration, based on the Act effective.
- (2). The Government may jointly with another party hold joint venture in the field of forestry.
- (3). Right on forest management may be granted to State Enterprise, Regional Enterprise and private Enterprise.
- (4). The granting of the rights as referred to in paragraphs (3) and (4) of this Article shall be further regulated through Government Regulation.

CHAPTER V.

ON FOREST PROTECTION.

Article 15.

(1) Forest...

- (1). Forest ought to be protected, in order that it can eternally fulfill its function as referred to in article 3.
- (2). Forest protection shall cover the efforts :
 - a. To prevent and restrict forest and forest products damages, caused by the deeds of man, cattles, fire, natural disaster, insects and disease.
 - b. To maintain and keep the rights of the State on forest and forest products.
- (3). To guarantee the realization of this forest protection as best as possible, the people shall be mobilized as for their participation.
- (4). The implementation of these provisions stated in this article shall be further regulated through Government Regulation.

Article 16.

The hunting of wild-animals shall be regulated through Legislative Regulation, by observing the objectives as already stipulated in this Act.

Article 17.

The implementation of the rights of the community, traditional law, its members and the individual rights to obtain the benefit from the forest both directly and indirectly, which based on a juridical regulation and in fact are still in existence, may not disturb the achievement of the objectives as referred to in this Act.

Article 18.

- (1). To guarantee the realization of forest and Forestry protection, special police authority shall be granted to the Forestry officers, in line with the nature of their work.
- (2). The implementation of the granting of this authority shall be jointly regulated by the Minister and Minister/C-in-C of the Police Force.

CHAPTER VI.

PENAL PROVISIONS

Article 19.

- (1). The executive Regulation of this Act may contain penal sanction in the forms of imprisonment, or detainment and/or fine.
- (2). Wood and/or other forest products obtained from other goods involved in or used to perform the criminal act referred in paragraph (1), can be confiscated for the State.
- (3). Criminal act referred to in paragraph (1), according to the nature of its act, can be distinguished between criminal act and violation.

CHAPTER VII.

TRANSITIONAL PROVISIONS

Article 20.

Forest which has been stipulated as Permanent Forest, Natural Forest Preserve and Wild-life Preserve, based on the Legislative Regulations effective before the coming into force of this act, shall be considered as Forest Areas, having the purposes and function, in accordance with the stipulation thereof.

Article 21.

While waiting for the issuance of the executive regulations of this Act all regulations and acts in the field of Forestry which have existed before, shall remain effective insofar they do not contradict the spirit of this Act and interpreted in line with the said Act.

CHAPTER VIII

CONCLUDING PROVISIONS

Article 21.

This Act can be called "Basic Act on Forestry" and effective as from the date of the promulgation.

In order that everybody may know, to instruct the promulgation of this Act by insertion in the Official Gazette of the Republic of Indonesia.

Legalized in Djakarta
on May 24, 1967

ACTING PRESIDENT OF THE REPUBLIC OF
INDONESIA,

w.s.

S O E H A R T O
ARMY GENERAL

Promulgated in Djakarta
on May 24, 1967

for STATE SECRETARY,

SECRETARY OF THE CABINET PRESIDUM,

w.s.

SUDHARMO S.H.
ARMY BRIG. GEN.

E X P L A N A T I O N
O N
B A S I C A C T O N F O R E S T R Y

GENERAL EXPLANATION :

The Indonesian Nation is the Nation who has been granted by Almighty God with homeland which is abundantly rich in natural wealth, a.o. forest which is still immensely wide.

The intensive digging of natural wealth in this form of forest constitutes the materialization of the Message of the People's Sufferings which cannot be postponed any longer, within the frame of national economic development to materialize the people's welfare.

It is worth paying attention to the fact that the scope of the Forestry activities at present are far wider than those in the past, due to :

1. Development activities found everywhere and the ever rising demand of the inhabitants on house-hold equipments which shall consume a large amount of wood, so that the demand on wood shall immensely increase.
2. The ever increasing export of forest products and the increasing demand from foreign countries.
3. The ever increasing industry which consumes forest products as the basic materials, a.o. :
 - a. plywood industry, hardboard and materials for prefabricated houses, both to meet the domestic consumption demand as well as for export.
 - b. pulp industry as the basic materials for domestic industry and as the half-finished materials to be exported.
 - c. rayon industry for textile stuff and others.
4. Assistance which can be rendered by Forestry, with regard to the ever increasing natural silk under-taking by the Government and the People.
5. The ever growing of tourism in our country, a.o. pick-nic trip, hunting trip and scientific trip, where Forestry may contribute great contribution.
6. The share which can be given by Forestry in the frame of the realization of overall development and migration as the national project.

The Forestry activities in the above mentioned sectors, besides its constructive influence in the social-economic field, they shall give foreign exchange earning which shall be much needed by the State.

To guarantee the acceleration, orderliness and everlasting of the realization of all those activities, working basis and juridical basis shall be needed which can take care all aspects of the problems in the overall ways. Thus at the present stage, the demand is felt much pressing to immediately make a Basic Act on Forestry,

of national

of national character to replace the Legislative regulation in the field of Forestry effective up to now, which most of them originated from the colonial government, bearing colonial character and of various kinds.

The Basic Act on Forestry also constitutes a step toward unification of national law in the field of Forestry and becomes the main spring for Legislative Regulations regulating various fields in the the Forestry activities.

The spirit of this Act is not solely directed to protect and manage the forest only but is also and mainly directed toward the utilizing forest, as much as possible for the people's welfare, in line with the meaning of article 35 of the 1945 Constitution.

Forest has the function to control the life of the majority of the people, a.o. :

1. arranging irrigation system, preventing and restricting the danger of flood and erosion maintaining the land fertile.
2. to fulfill the production of forest products to meet the demand of the community in general and in particular for the purposes of development, industry and export.
3. To assist to develop national economy in general and to stimulate forest products industry in particular.
4. To protect favourable climate and to give sound influence.
5. To give natural beauty in general and particularly in the forms of Natural Preserve, Wildlife Preserve, Tourist Ground and Hunting Ground for the sake of sciences, education, civilization and tourism.
6. Constituting one of the basic elements for national Defence Strategy.
7. To give other benefits beneficial for the public.

For those reasons, article 5 paragraph (1) stipulates that all forests are administered by the State.

The meaning of "being administered" does not mean "being owned", but a conception which contains obligations and authorities in the field of public law, as specified in article 5 paragraph (2).

With regard to this conception, in the frame of the provision stated in article 5 still makes possible the existence of Property Forest as referred to in article 2. In the mean time, in order that all forests shall fulfill their function well, in line with the intention of article 11. Property Forest ought to be regulated as to its management by the State, based on her right as referred to in article 5, though the execution of the said management shall be performed by the owners themselves.

In Article 2 the term "State Forest" is used to refer all forests which are not the "Property Forest". Thus the definition of "State Forest" shall also cover the forests which both on the basis of Legislative Regulations and Traditional Law are administered by the Traditional Law Community.

The administration